The attached are Primary Source Documents of the Idaho Board of Nursing for:

KARI BARRETT
N-26694
Kari Barrett  
5923 S Sweet Gum Way  
Boise, ID 83716

Dear Ms. Barrett:

During their meeting on October 27-28, 2011, the Board of Nursing members took action to accept the Findings of Fact, Conclusions of Law and Final Order in which your professional nurse license, N-26694 was revoked. During the period of revocation, you may not practice nursing in the State of Idaho. Enclosed is a copy of the Final Order.

The Order became effective November 1, 2011. Please be advised that you may not apply for reinstatement for a period of two (2) years from the date of this order.

Sincerely,

[Signature]

SANDRA EVANS, MAEd, RN  
Executive Director

The Mission of the Board of Nursing is to regulate nursing practice and education for the purpose of safeguarding the public health, safety and welfare.
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:

KARI MARIE BARRETT, RN,
License No. N-26694,
Respondent.

Case Nos. BON 10-006
BON 11-081

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

The Idaho State Board of Nursing ("Board") enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. The Board regulates the practice of nursing in Idaho pursuant to Idaho Code § 54-1401, et seq.

2. Kari Marie Barrett ("Respondent") is licensed by the Board under License No. N-26694 to practice nursing in the State of Idaho.

3. Respondent's continued right to licensure is subject to her compliance with the laws of the Board codified at title 54, chapter 14, Idaho Code, and the rules of the Board, promulgated at IDAPA 23.01.01, et seq.

4. At all times relevant to these proceedings Respondent was employed as a nurse, or acting in the capacity of a nurse, in the State of Idaho.

5. On or about August 16, 2006, after entering a plea of guilty to the charge of driving under the influence, in violation of Idaho Code § 18-8004, Respondent received a Withheld Judgment in Ada County Case No. CR-MD-2006-0002343.

6. On or about October 5, 2009, Respondent was found guilty of driving under the influence, in violation of Idaho Code § 18-8004 in Ada County Case No. CR-MD-0011859.

7. On or about January 18, 2010, the Board received a Report Form for Violation of the Nursing Practice Act ("Report"), which contained allegations pertaining to Respondent's employment at St. Alphonsus Regional Medical Center in Boise, Idaho ("SARMC"). The Report set forth the following allegations concerning Respondent's nursing practice at SARMC:
a. On December 16, 2009, SARMC received information that Respondent smelled of alcohol while on duty.

b. Following an interview regarding the allegation, Respondent voluntarily submitted to a breathalyzer test. The results of the test indicated positive results of .033 and .027.

c. In response to the positive test, Respondent denied having consumed alcohol on duty and claimed to have consumed eight (8) to ten (10) beers on evening of December 15, 2009.

d. Due to the failed breathalyzer test, SARMC terminated Respondent’s employment.

8. On or about March 5, 2010, Respondent voluntarily surrendered her license to practice nursing in the State of Idaho. In the course of voluntarily surrendering her license, Respondent admitted that she “tested positive for alcohol at place of employment and as a result was terminated.” Respondent also waived her rights to a hearing and consented to the Board entering an order accepting her voluntary surrender and revoking or otherwise disciplining her license as the Board deemed appropriate in its discretion. Respondent further agreed to enter treatment immediately and to participate in the Program for Recovering Nurses (PRN), a monitoring program, and to resume the practice of nursing only at such time as a conditional limited license was issued to her. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit A.

9. On or about June 4, 2010, Respondent entered a PRN contract with Southworth Associates, the entity responsible for administering the PRN program.

10. On September 22, 2010, Southworth Associates informed the Board that Respondent was non-compliant with her PRN contract. A true and correct copy of the letter dated September 22, 2010 is attached hereto as Exhibit B.

11. On September 27, 2010, the Board informed Respondent that it had received information from Southworth Associates indicating that Respondent was non-compliant with her
PRN contract. A true and correct copy of the letter dated September 27, 2010 is attached hereto as Exhibit C.

12. On March 10, 2011, Southworth Associates informed the Board that Respondent was non-compliant with her PRN contract. A true and correct copy of the letter dated March 10, 2011 is attached hereto as Exhibit D.

13. On March 10, 2011, the Board informed Respondent that it had received information from Southworth Associates indicating that Respondent was non-compliant with her PRN contract. A true and correct copy of the letter dated March 10, 2011 is attached hereto as Exhibit E.

14. On June 10, 2011, Southworth Associates informed the Board that Respondent was non-compliant with her PRN contract. A true and correct copy of the letter dated June 10, 2011 is attached hereto as Exhibit F.

15. On September 6, 2011, Southworth Associates informed the Board that Respondent was non-compliant with her PRN contract. A true and correct copy of the letter dated September 6, 2011 is attached hereto as Exhibit G.

16. On or about September 20, 2011, the Board was notified by Boise Behavioral Health in Boise, Idaho ("BBH") that Respondent practiced as a nurse without a valid license. More specifically, BBH hired Respondent in February of 2010, prior to her voluntary surrender of her nursing license, and, thereafter, did not notify BBH of the change in her licensure status and continued to practice as a nurse until approximately August 22, 2011.

CONCLUSIONS OF LAW

1. As a licensed nurse in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 14, Idaho Code.

2. Respondent's Idaho License No. N-26694 is conditioned upon her complying with the laws and rules of the Board.

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER - 3
3. Respondent has violated the terms upon which she voluntarily surrendered her license in lieu of discipline, in that she failed comply with her PRN contract and resumed the practice of nursing prior to being issued a conditional limited license by the Board.

4. Pursuant to Idaho Code § 54-1413(3)(a), Respondent’s voluntary surrender of her license empowers the Board, without a hearing, to revoke or suspend Respondent’s license and/or impose such conditions, limitations, or restrictions on her license as the Board in its discretion may deem appropriate. Respondent’s conduct constitutes violations of the laws and rules governing Idaho nursing practice, as follows:

   a. Idaho Code § 54-1413(1)(e) and Board Rule 100.06 (a nurse shall not habitually use alcohol or drugs);

   b. Idaho Code § 54-1413(1)(g) and Board Rule 100.08 (a nurse shall not violate the Board’s laws, rules or standards of conduct and practice);

   c. Idaho Code § 54-1413(h) and Board Rule 100.09 (a nurse shall not engage in conduct likely to deceive, defraud or endanger patients or the public);

   d. Idaho Code § 54-1414(1)(a) (it shall be unlawful for any person, corporation, association or other legal entity to practice nursing in this state without a current license unless exempted from licensure by this chapter);

   e. Board Rule 101.04.a. (a nurse shall have knowledge of the statutes and rules governing nursing and shall function within the defined legal scope of nursing practice); and

   f. Board Rule 101.05.c. (a nurse shall be responsible and accountable for his/her nursing judgments, actions and competence).
ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered that:

1. License No. N-26694 issued to Kari Marie Barrett is hereby:
   ___ X Revoked.
   ___ Suspended. _____ days _____ year(s) ____ indefinitely. Respondent’s license shall be a single-state license during the term of suspension and Respondent shall not be eligible to practice on the Compact privilege in any other state participating in the Nurse Licensure Compact with the State of Idaho.

2. Respondent shall not be eligible for future enrollment in PRN.

3. Respondent may not apply for reinstatement for a two (2) year period after entry of this Order or a five (5) year period after entry of this Order, whichever period is greater. At such time as Respondent requests reinstatement of licensure, she shall comply with the requirements of Idaho Code § 54-1411(3) and IDAPA 23.01.01.062. This will include, but is not limited to, providing the following information to the Board:

   a. Health Care Providers: Respondent must provide Board Staff with a written list of her attending health care providers (including without limitation any therapists, counselors, or other mental health care providers);

   b. Health Care Provider’s Evaluation: Respondent’s health care providers (“provider”) must submit to the Board the provider’s evaluation describing Respondent’s current medical condition(s) and listing her prescriptions, including the dose/frequency and rationale for the medications prescribed. This evaluation shall be submitted on a form provided by the Board. The provider shall also identify any concerns that he/she may have about Respondent’s ability to safely practice nursing and what restrictions, if any, should be placed upon Respondent’s practice. When requesting such evaluations, Respondent shall provide the provider with, and request that the provider review, the...
Idaho Board of Nursing Position on Safety to Practice. A copy of the Idaho Board of Nursing Position on Safety to Practice is attached as Exhibit H;

c. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;
d. Documentation that she is rehabilitated and competent to practice nursing by submitting:
   i. A recent, within 6 months, comprehensive drug/alcohol evaluation completed by a qualified Board approved evaluator at the time of application for reinstatement.
   ii. A detailed summary of employment since licensure revocation or suspension; and
   iii. Documentation of activities engaged in to address drug/alcohol issues, to include at least two (2) years of documented sobriety with an active recovery program.

4. Prior to any reinstatement of her license, Respondent shall pay an administrative fine in the amount of one-thousand dollars ($1,000.00) to the Board. This fine shall be in addition to any other costs and/or fees related to Respondent’s reinstatement.

5. The Board reserves the right to assess investigative costs and attorney fees incurred in this matter as a condition of reinstatement, and to impose such other conditions upon Respondent’s reinstated license as the Board may deem appropriate in its discretion.

This order is effective immediately.

DATED this 1st day of November, 2011.

[Signature]
Susan Odom, Ph.D., R.N.
Chair

Idaho State Board of Nursing
NOTICE OF DUE PROCESS RIGHTS

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the issuance of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

a. A hearing was held,
b. The final agency action was taken,
c. The party seeking review of the order resides, or
d. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days (a) of the issuance of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1ST day of November, 2011, I caused to be served a true and correct copy of the foregoing by the following method to:

Kari Marie Barrett
5923 S. Sweet Gum Way
Boise, ID 83716

Andrew J. Snook
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Facsimile:

Email: andy.snook@ag.idaho.gov
leslie.gottsch@ag.idaho.gov

Linda Coley, Management Assistant
Idaho Board of Nursing
RULE 132
Idaho Board of Nursing
TEMPORARY VOLUNTARY SURRENDER OF LICENSE

I, Kari Barrett, by affixing my signature hereto, acknowledge that:

1. I admit that I have engaged in the following conduct: Tested positive for alcohol at place of employment and as a result was terminated.

2. I understand that the admitted facts constitute grounds for disciplinary action pursuant to the Nursing Practice Act, Idaho Code, §54-1413 (1) and the rules of the Board, IDAPA 23.01.01, et seq. I also understand that the Board of Nursing has the authority to accept this voluntary surrender pursuant to Idaho Code §54-1404(2).

3. I am aware that, without my consent, no legal action can be taken against me, except pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code.

4. I understand that I have the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, to present evidence and testimony on my behalf, to compel the testimony of witnesses, and to cross-examine witnesses against me; and

5. I waive all such rights, including the right to a formal disciplinary hearing.

6. I also waive the right to challenge the Board for bias in the event that charges concerning these admitted facts or any other matter involving my license are brought before the Board.

7. In lieu of a formal disciplinary hearing, I voluntarily surrender my license on a temporary basis. Attached is my license, number N-26694; I agree to immediately discontinue the practice of nursing in Idaho.

8. I will enter treatment as required by the Board, and fully participate in the Program for Recovering Nurses (PRN) monitoring program. I will resume the practice of nursing only at such time as a conditional limited license has been issued to me. If I do not fully participate in and cooperate with the PRN, the Board may enter an order revoking or otherwise disciplining my license, including any conditional license that may have been issued, without further notice or hearing or other process given to me.

9. I understand that Board of Nursing representatives will, if questioned, report the status of my license as “surrendered.”

DATED 3-5-10

Kari M Barrett
Signature of Licensee

2279 Taunay Woods Pk
Address
Boise ID 83706
City, State, Zip

Dated 3/5/10

Revised 1008 – PRN

Signature of Witness

Submit's Exhibit A

license page 1 of 1
September 22, 2010

Idaho State Board of Nursing
ATTN: Sandra Evans
P.O. Box 83720
Boise, ID 83720-0061

RE: Kari Barrett

Dear Ms. Evans,

This letter is being sent to notify you that Ms. Kari Barrett, a Board of Nursing referral, is currently not in compliance with her Program for Recovering Nurses (PRN) contract. Ms. Barrett has not submitted evidence of having attended the required number of 12-Step, Support Group, Sponsor, or Therapy meetings. In fact, Ms. Barrett has submitted evidence of attending only seven meetings total since she signed her contract, and those were all 12-Step meetings.

Ms. Barrett’s current contract with PRN was signed on June 9, 2010. Ms. Barrett’s contract requirements include the following: 1) 90 12-Step meetings in 90 days, 2) Weekly meetings with a 12-Step Sponsor, 3) Weekly Support Group attendance, 4) Therapy meetings, rate TBD by provider, and 5) Random urinalysis/drug testing.

Ms. Barrett currently owes PRN $70.00.

We look forward to receiving further guidance from the Board of Nursing regarding this issue. If you have any questions or concerns, please feel free to contact either me at (208) 323-9555 x 104.

Sincerely,

Bill Hofstra
Compliance Monitor
Southworth Associates

Cc: Kari Barrett

The Program for Recovering Nurses: Protecting the public safety, health and welfare by assisting nurses in their recovery and return to safe practice.
September 27, 2010

Kari Barrett
2279 Tawny Woods Place
Boise, ID 83706

Dear Ms. Barrett:

We have been notified by the Program for Recovering Nurses Compliance Monitor that you are not in compliance with your monitoring contact by failing to attend the required number of meetings (sponsor, 12-Step and therapy).

The Board cautions you to maintain complete compliance, with all conditions of your monitoring contract to avoid a Report of Non-Compliance being submitted to this Board.

If you have questions about this information, please contact the PRN office.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE: lhc
cc: PRN Program
March 10, 2011

Idaho State Board of Nursing
ATTN: Sandra Evans
P.O. Box 83720
Boise, ID 83720-0061

RE: Kari Barrett

Dear Ms. Evans,

This letter is being sent to notify you that Ms. Kari Barrett, a Board of Nursing referral, is currently not in compliance with her Program for Recovering Nurses (PRN) contract. Ms. Barrett has not submitted evidence of attending any Sponsor, Support Group, or Counseling meetings since she signed her most recent PRN contract. She is fulfilling her 12-Step meeting and urinalysis (UA) requirements, though she does miss her daily call-in more frequently than advisable.

Ms. Barrett's current contract with PRN was signed on November 4, 2010. Ms. Barrett's contract requirements include the following: 1) 3-4 12-Step meetings per week, 2) Weekly meetings with a 12-Step Sponsor, 3) Weekly Support Group attendance, 4) Therapy meetings, rate TBD by provider, and 5) Random urinalysis/drug testing.

Ms. Barrett currently owes PRN $15.00.

We look forward to receiving further guidance from the Board of Nursing regarding this issue. If you have any questions or concerns, please feel free to contact either me at (208) 323-9555 x 104.

Sincerely,

[Signature]

William J. (Bill) Southworth
Compliance Monitor
Southworth Associates

Cc: Kari Barrett

The Program for Recovering Nurses: Protecting the public safety, health and welfare by assisting nurses in their recovery and return to safe practice.
March 10, 2011
CERTIFIED MAIL

Kari Barrett
2279 Tawny Woods Place
Boise, ID 83706

Dear Ms. Barrett:

We have received a report of non-compliance from Bill Hofstra, Compliance Monitor, Southworth Associates, indicating that you have not submitted evidence of required attendance at sponsor, support group or counseling meetings November 4, 2010. Although you do urine drug test when required, you frequently miss the daily call-in to the system.

In order to remain in this alternative to discipline program, you will need to make an appointment to meet with the members of the Program for Recovering Nurses Advisory Committee to discuss your continued participation in this program.

You have been scheduled to meet with the Committee members on March 25, 2011 at 10:00 AM. The Committee meets at the Doubletree Riverside Hotel, in the Topaz Room, 2900 Chinden Blvd., Boise. You must confirm your attendance at this meeting no later than March 18, 2011 by calling Linda Coley, Management Assistant, (208) 577-2500.

Failure to maintain total compliance with the requirements could result in your file being referred to the members of the Board of Nursing for disciplinary action.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE:hc
Cc: Southworth Associates
June 10, 2011

Idaho State Board of Nursing
ATTN: Sandra Evans
P.O. Box 83720
Boise, ID 83720-0061

RE: Kari Barrett

Dear Ms. Evans,

This letter is being sent to notify you that Ms. Kari Barrett is not compliant with her Program for Recovering Nurses (PRN) contract. There is no evidence at hand indicating that Ms. Barrett has attended a support group meeting since signing her most recent contract on 11/4/10 and she has presented no evidence of meeting with a therapist as required under that contract.

Ms. Barrett’s current contract with PRN was signed on November 04, 2010. Ms. Barrett’s contract requirements include the following: 1) Attend 3-4 12-Step meetings per week, 2) Weekly meetings with a 12-Step Sponsor, 3) Weekly Support Group attendance, 4) Therapy meetings, rate TBD by provider, and 5) Random urinalysis/drug testing.

We look forward to receiving further guidance from the Board of Nursing regarding this issue. If you have any questions or concerns, please feel free to contact either me at (208) 323-9555 x 104.

Sincerely,

[Signature]

William J. (Bill) Southworth
Compliance Monitor
Southworth Associates

Cc: Kari Barrett

The Program for Recovering Nurses: Protecting the public safety, health and welfare by assisting nurses in their recovery and return to safe practice.
September 6, 2011

Idaho State Board of Nursing
ATTN: Sandra Evans
P.O. Box 3720
Boise, ID 83720-0061

RE: Kari Barrett

Dear Ms. Evans,

This letter is being sent to notify you that Ms. Kari Barrett is not compliant with her Program for Recovering Nurses (PRN) contract. There is no evidence at hand indicating that Ms. Barrett has attended a support group meeting since signing her most recent contract on 11/4/10 and she has presented no evidence of meeting with a therapist as required under that contract. Ms. Barrett missed UA tests on 7/18/11 and 8/11/11 due to missing her daily call-in. Ms. Barrett does attend 12-Step Meetings and Sponsor Meetings however.

Ms. Barrett’s current contract with PRN was signed on November 04, 2010. Ms. Barrett’s contract requirements include the following: 1) Attend 3-4 12-Step meetings per week, 2) Weekly meetings with a 12-Step Sponsor, 3) Weekly Support Group attendance. 4) Therapy meetings, rate THD by provider, and 5) Random urinalysis/drug testing.

We look forward to receiving further guidance from the Board of Nursing regarding this issue. If you have any questions or concerns, please feel free to contact either me at (208) 323-9555 x 104.

Sincerely,

William J. (Bill) Holsina
Compliance Monitor
Southworth Associates

Cc: Kari Barrett

The Program for Recovering Nurses: Protecting the public safety, health and welfare by assisting nurses in their recovery and return to safe practice.
In response to questions from nurses and their employers, the members of the Board of Nursing addressed the issue of 'safety to practice'. In particular, nurses wanted to know if they should continue to practice while taking prescribed medications, including pain medications; whether they should refuse assignments to work overtime or extra shifts; whether they should consider retirement from practice when they have reached a certain chronological age.

The Board's "Position on Safety to Practice" provides thoughtful direction to assist nurses and their employers in addressing these concerns.

**IDAHO BOARD OF NURSING**

**POSITION ON SAFETY TO PRACTICE**

Adopted April 29, 2005

One essential element of safe nursing practice is a nurse's functional ability: the competence and reliability with which a nurse is able to practice at any given time.

The board is aware that nurses sometimes experience situations that may compromise their ability to safely practice for either the short or long term. Some of these situations involve personal or job-related stress, sleep deprivation, the normal effects of aging, and episodic or persistent health conditions, some of which may require pain management or the use of maintenance-level prescribed medication. The list is not exclusive.

Whether a nurse should continue active nursing practice when that practice may be compromised depends upon the nurse's ability to function safely and effectively. The assessment of functional ability is an individualized process that does not lend itself to application of a set format based on select elements. On the contrary, assessment of functional ability requires active consideration of all relevant factors, such as diagnosis, prescribed treatment and situational events, as well as an evaluation of the impact of those factors on the individual being assessed.

Although constant evaluation of one's ability to safely and competently practice nursing is the responsibility of each individual nurse, the Board of Nursing remains the ultimate decision maker. In some instances, it may be necessary for the board to require objective physical and/or functional assessment, using reliable psychometric instruments and methods administered by qualified licensed professionals. For example, even though an individual nurse might perceive that he is capable of safe practice, a neuropsychiatric assessment, done at the Board's request, may indicate functional impairment.

Licensed nurses are accountable for assuring that their actions and behaviors meet all applicable standards at all times. This requires constant awareness of the demands of the job and a continual process of evaluation and assessment in order to make sure that the nurse is fit to practice and competent to safely perform those functions that fall within the defined scope of nursing practice and for which the nurse has accepted responsibility. Nurses who practice while not fit to do so may be subject to disciplinary action by the board including, among others, license suspension or revocation, remedial measures, or monitored practice.
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Sent To: KARI BARRETT
Street, Apt. No: 5923 S SWEET GUM WAY
or PO Box No: BOISE, ID. 83716
City, State, Zip: Boise, ID.

PS Form 3800, August 2006
See Reverse for Instructions